

REMARKS

The specification has been amended for clarification purposes only. Claims 1-9, 11-25, 27, 29-36, 39, and 42 have been amended, claims 28 and 38 have been canceled, and claims 43 and 44 have been added. Claims 1-27, 29-37, and 39-44 are currently pending in the case. Further examination and reconsideration of the presently claimed application are respectfully requested.

Objection to the Specification

An objection was lodged against the specification for containing a hyperlink. The Examiner's thorough review of the specification is appreciated. In response thereto, the specification has been amended in a manner believed to obviate this objection as well as to correct grammatical errors. Accordingly, removal of this objection is respectfully requested.

Objection to the Claims

An objection was lodged against claim 24 for being of improper dependent form. The Examiner's thorough review of the claims is appreciated. In response thereto, claim 24 has been amended in a manner believed to obviate this rejection. Accordingly, removal of this objection is respectfully requested.

Section 101 Rejections

Claims 1-38 and 40-42 were rejected under 35 U.S.C. § 101 for lacking patentable utility. In particular, the Examiner states the "storage medium" recited in claims 1-24 is not necessarily employed through technology (i.e., a computer component) that would enable the functionality of the program components included within the storage medium to be realized. To expedite prosecution, the paragraph beginning on page 9, line 28 has been amended to specify the storage medium depicted in Fig. 1 may sometimes serve as a software development kit and the storage medium depicted in Fig. 2 may generally serve as a medium comprising software. The

amendment was discussed in a phone conference between Examiner J. Derek Rutten and Patent Agent Mollie Lettang on April 23, 2007 and was deemed by Examiner Rutten to sufficiently provide support in the specification that the storage mediums described and claimed in the application are mediums which are employed through technology.

In addition to the aforementioned citation, the Examiner states the language of claims 1-24 (e.g., program components *for* extracting) does not allow functionality of the program components to be positively realized. In response thereto, claims 1-9 and 11-24 have been amended to specify the program components include coding directives which are utilizable by a developer to write program instructions that are executable by a processor. Support for the amendments may be found, for example, on page 10, lines 9-19 of the specification. It is believed that the amendments allow functionality of the program components to be positively realized. In particular, the amendments feature the functionality of the program components to aid a developer to write processor-executable program instructions.

To further support the rejection of a lack of patentable utility within claims 1-24, the Examiner contends that there does not appear to be a tangible result of using the claimed subject matter. As noted above, claims 1-24 have been amended to specify that the program components include coding directives which are utilizable by a developer to write processor-executable program instructions. In other words, the subject matter of claims 1-24 is directed at software development kits. It is noted that the processor-executable program instructions are tangible results of using the program components. More specifically, the program components are used to produce real and definite program instructions. It is asserted that functionality of the program instructions to produce such program instructions in claims 1-24 fulfills the requirement to produce a useful, concrete and tangible result for a 35 U.S.C. § 101 judicial exception.

To expedite prosecution, independent claim 1 has been amended to specify the one or more additional program components include coding directives which are utilizable by a developer to write processor-executable program instructions for storing the extracted scripted content at a target location. Support for the amendment may be found, for example, on page 6, lines 8-10 of the specification. Such an amendment was suggested in the Office Action to

overcome the “omission of a tangible result” citation for the claim. It is noted, however, that such an amendment is not necessarily needed to provide patentable utility for the claim. In particular, it is contended that the process steps which the generated program instructions are configured to perform do not necessarily need to produce a useful, concrete and tangible result since the processor-executable instructions themselves serve as a tangible result of using the claimed program components. In other words, the storage mediums of claims 1-24 (i.e., software development kits) may be used to develop program instructions for any number of process steps, some of which may provide utility but do not necessarily produce a concrete and tangible result.

For instance, one skilled in the art may find it useful to use a storage development kit for developing processor-executable program instructions which standardize content on a webpage such as recited in independent claim 16. The software development kit does not necessarily need to include program components for processing the standardized content since processor-executable program instructions independent of the software development kit may be used for such processing. Furthermore, it is noted that the claimed storage mediums do not necessarily need to reference particular process steps performed by the generated program instructions in order to provide patentable utility in the claims. In particular, since the generation of the program instructions provides patentable utility of the program components recited in the claim, the processes which the processor-executable program instructions are configured to perform do not necessarily need to be recited. As such, the storage medium recited in independent claim 21 used for developing processor-executable program instructions which reference XPath query language is asserted to be of patentable utility.

Similar to the rejection of claims 1-24, claims 25-38 and 40-42 were rejected for not producing a tangible result. To expedite prosecution, independent claims 25 and 36 have been amended to specify the processor-executable program instructions of claim 25 and the process steps of claim 36 include storing extracted content at a target location. Support for the amendments may be found, for example, on page 18, lines 20-23 of the specification. The amendments are believed to address the concerns expressed in the Office Action, making the claims of patentable utility.

For at least the reasons noted above, claims 1-27, 29-37, and 40-42 are believed to be of patentable utility. In particular, it is asserted that the language of claims 1-27, 29-37, and 40-42 enable the functionality of the claimed limitations to be positively realized and produce tangible results. As noted above, claims 28 and 38 have been canceled rendering rejection thereto moot. Accordingly, removal of this rejection is respectfully requested.

Section 112 Rejection

Claims 36-38 were rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. In particular, the Examiner states the phrase “extracting ... the information of interest to a target location” is unclear. The Examiner’s thorough review of the claims is appreciated. In response thereto, claim 36 has been amended in a manner believed to address the concerns expressed in the Office Action. Accordingly, removal of this rejection is respectfully requested.

Section 102 Rejections

Claims 1-7, 10, 13, 14, 16, 17, 20, 24-26, 28-36 and 39-42 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,209,007 to Kelley et al. (hereinafter referred to as “Kelley”). Claims 21-23 were rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application No. 2002/0143821 to Jakubowski (hereinafter referred to as “Jakubowski”). As noted above, claim 28 has been canceled and, thus, its rejection is moot. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987), MPEP 2131. Neither Kelley nor Jakubowski disclose all limitations of claims 1-7, 10, 13, 14, 16, 17, 20-26, 28-36 and 39-42, some distinctive limitations of which are set forth in more detail below.

Neither Kelley nor Jakubowski disclose a storage medium with program components having coding directives which are utilizable by a developer to write processor-executable program instructions. Independent claim 1 recites in part:

A storage medium comprising program components which are executable through a common application program interface, wherein the program components comprise ... one or more ... program components having coding directives which are utilizable by a developer to write program instructions that are executable by a processor for ...

Claims 16 and 21 similarly reference storage mediums having program components with coding directives which are utilizable by a developer to write processor-executable program instructions. As noted above, the subject matter of claims 1-24 is directed at software development kits. Neither Kelley nor Jakubowski teaches or suggests facilitating the processes described therein through software development kits. In other words, neither Kelley nor Jakubowski describe tools which may be used by developers to create program instructions which are customizable to the developer's specific application and/or needs. Rather, each of Kelley and Jakubowski teach that the processes described therein are facilitated through established program instructions, which specifically define the sequence and manner the processes are to be performed. Consequently, neither Kelley nor Jakubowski anticipate the limitations of independent claims 1, 16, and 21 nor any claims dependent therefrom.

Kelley does not disclose processor-executable program instructions for executing a scripting language embedded within a website. Independent claim 25 recite, in part: "A storage medium comprising program instructions executable using a processor for ... executing a scripting language embedded within the website such that information corresponding to the scripting language can be parsed into the model of logical structure" Independent claim 36 has been amended to include a similar limitation for a computer-implemented method for obtaining a collection of information from one or more websites. Support for such an amendment to claim 36 may be found, for example, in originally filed (and now canceled) claim 38. As noted above with regard to the patentability of claim 10, there is no teaching or suggestion within Kelley that code on a website is executed to retrieve information of interest. Rather, Kelley appears to teach extracting code from a website and assembling the code to build a new code for generating information of interest or references to information of interest. The Examiner surmises that the process of extracting the code must entail executing the code, but such conjecture is traversed. In particular, there is no teaching or suggestion within Kelley to lend one skilled in the art to make such a

presumption. Consequently, independent claims 25 and 36 are asserted to be patentably distinct from Kelley.

For at least the reasons stated above, neither Kelley nor Jakubowski anticipate the limitations of independent claims 1, 16, 21, 25, and 36. In addition, neither Kelley nor Jakubowski provides motivation to render the limitations of claims 1, 16, 21, 25, and 36 obvious. Consequently, claims 1, 16, 21, 25, and 36 as well as dependent claims therefrom are patentably distinct over Kelley and Jakubowski. Accordingly, removal of this rejection is respectfully requested.

In addition to the reasons noted above, at least some of rejected claims 1-7, 10, 13, 14, 16, 17, 20-24, 26, 29-35, and 39-42 are believed to be separately patentable from Kelley and Jakubowski for at least the reasons set forth below. It is noted that in order to avoid confusion with respect to the rejections in the Office Action, the arguments set forth below for each claim are presented with respect to the art that was cited in the Office Action as anticipating the claim (i.e., Kelley or Jakubowski). It is asserted, however, that neither Kelley nor Jakubowski teach or suggest the claim limitations noted below and, therefore, such claims are asserted to be patentably distinct over Kelley and Jakubowski.

In particular, claim 2 specifies the coding directives of the first program component are utilizable by a developer to write processor-executable program instructions for conditionally navigating through the one or more websites. Kelley teaches the use of a Boolean search to search websites, but there is no teaching or suggestion within Kelley that such a Boolean search includes searching websites with if, then and looping directives. Therefore, Kelley fails to disclose conditionally navigating through one or more websites as specified in claim 2 and defined on page 12, lines 5-13, of the specification.

Furthermore, claim 3 specifies the coding directives of the first program component are utilizable by a developer to write processor-executable program instructions for facilitating navigation through the one or more websites. There is no teaching or suggestion within Kelley that the Boolean search taught therein is configured with parameters to avoid or overcome obstacles which may be encountered along a navigational route. Therefore, Kelley fails to disclose facilitating

navigation through one or more websites as specified in claim 3 and defined on page 13 of the specification.

Amended claim 4 specifies the coding directives of the first program component are utilizable by a developer to selectively write the program instructions associated with facilitated navigation for specific timeframes. Support for the amendment to the claim may be found, for example, on page 13, lines 23-27, of the specification. There is no teaching or suggestion within Kelley of modifying the manner in which websites are navigated, much less with respect to the timeframes they are navigated. Consequently, Kelley fails to teach or suggest the limitations of claim 4.

Claim 10 specifies the storage medium of claim 1 includes a means for interpreting different scripting languages. The Examiner cites Kelley as teaching the process of searching web pages for the existence of Java code or other language code to reject the limitations of claim 10. Such a teaching allows for the recognition of different codes within web pages, but does not teach, suggest or necessitate the execution of the codes. As noted on page 16, lines 21-22 of the specification, the term “interpreter” of the presently claimed case refers to a set of programming instructions which is configured to execute scripting languages. Since Kelley does not teach the execution of scripting languages, there is no teaching or suggestion to include a means for interpreting different scripting languages within a system using the program described therein. Thus, Kelley does not anticipate the limitations of claim 10. The Examiner cites Kelley as teaching the execution of code with respect to the rejection of claim 25. As noted below in reference to the patentability of claim 25 over Kelley, such conjecture by the Examiner is traversed. In particular, there is no teaching or suggestion that code is executed to build new code in element 350 of Fig. 5 (which was cited by the Examiner). Nor does column 7, lines 23-25 (which was also cited by the Examiner) teach or suggest executing code. Rather such a passage teaches taking extracted javascript code to build the new code.

Claim 13 specifies the coding directives of the first program component are utilizable by a developer to write processor-executable program instructions for accessing data other than what may be configured to be displayed on a browser as characterized by a structural layout of an accessed website. The Examiner cites column 4, lines 2-7, of Kelley as teaching that javascript code on a web

browser may be accessed. Javascript code is configured to be displayed on web browsers and, therefore, such a passage cannot be used to reject the limitations of claim 13. Consequently, claim 13 is asserted to be patentably distinct over Kelley.

Claims 14, 32, and 39 specify processor-executable program instructions for posting data on the one or more websites that were navigated for the information of interest. Kelley teaches creating a separate customized web page with information extracted from other web pages. However, there is no teaching or suggestion within Kelley of posting the extracted data on the web pages that are searched and, therefore, does not teach or suggest the limitations of claims 14, 32, and 39. It is noted that the term “posting” in the present claims refers to the HTTP POST request method, a process which is commonly used by browsers for sending data submitted on a form of a webpage for processing. It is asserted that one skilled in the industry of web navigation and extraction is aware that the term “posting” generally refers to the HTTP POST request method and would be apprised that the scope of the captioned application includes such a process by use of the term “posting.” The distinction between the limitations of present claims and web browsers employing the HTTP POST method is that the processor-executable program instructions of the present claims are configured to mimic a webpage browser to build a HTTP POST request.

Claim 17 specifies the coding directives are utilizable by a developer to write processor-executable program instructions for converting web content of non-standardized format on the web page into XML format. Kelley fails to teach or suggest any conversion of web content format, much less into XML format. Consequently, Kelley does not teach or suggest the limitations of claim 17.

Claim 22 specifies the first set of coding directives is utilizable by the developer to write processor-executable program instructions for searching for information of interest within a model of logical structure using XPath query language. Jakubowski teaches:

XPath may be characterized as a language or string syntax for addressing or building addresses to specific parts of a web page (typically written in XML). Thus, an XPath or other similar expression may be used to specify the location of a document structure or content found in a web page when processing that information. (Jakubowski, paragraph [0023], underlines added for emphasis)

There is no teaching or suggestion within Jakubowski that XPath may be used to query for information, rather Jakubowski merely teaches the use of XPath for specifying a location for information. Consequently, Jakubowski does not teach or suggest the limitations of claim 22.

Claim 30 specifies the content extracted from the one or more websites is stored in a database. The Examiner cites column 3, lines 18-29 of Kelley as teaching such a limitation, but such an interpretation of Kelley is traversed. In particular, Kelley teaches storing a listing of web pages containing information retrieved in a search within a database. The listing of web pages within the database provides access to the information such that a customized web page may be created, but the listing of web pages is not a listing of information extracted from the web pages as specified in base claim 25. As such, Kelley does not teach or suggest the limitations of claim 30.

Claim 31 specifies the program instructions are further for simultaneously processing multiple requests to extract content from one or more web pages. The Examiner cites column 6, lines 30-32 in Kelley teaching that a user can identify a plurality of items to be searched. Such an identification of items, however, does not constitute multiple requests to extract content from web pages as specified by claim 31. In particular, Kelley states that the identification of the items enables a user to specify a complete Boolean search (*see* column 6, lines 32-33), which is a single request for searching for information. Kelley further teaches that the search results may be subsequently examined and, in light thereof, the items of the search may be modified to create another search request (*see* column 6, lines 37-43). Such an additional search is not performed concurrently with the original Boolean search and, therefore, Kelley does not teach simultaneously processing multiple search requests. Furthermore, Kelley teaches that websites containing searched content are subsequently and individually examined to extract the content therefrom. There is no teaching or suggestion that such websites may be examined simultaneously and/or the content may be extracted simultaneously. For at least these reasons, Kelley does not teach or suggest the limitations of claim 31.

Section 103 Rejections

Claims 8, 9, 11, 15, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view of U.S. Patent No. 7,047,318 to Svedloff (hereinafter referred to as “Svedloff”). Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view U.S. Patent No. 6,976,216 to Peskin et al. (hereinafter referred to as “Peskin”). Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view U.S. Patent No. 6,681,217 to Lewak (hereinafter referred to as “Lewak”). Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view U.S. Patent No. 6,857,124 to Doyle (hereinafter referred to as “Doyle”). Claim 37 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view Jakubowski. Claim 38 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kelley in view Jakubowski and Svedloff.

As noted above, independent claims 1, 16, 21, 25, and 36 are patentably distinct over Kelley and Jakubowski. Although not specifically cited against such claims, it is noted that Svedloff, Peskin, Lewak, and Doyle do not teach software development kits and, therefore, do not teach or suggest the limitations of claims 1, 16, 21, 25, and 36. As such, independent claims 1, 16, 21, 25, and 36 are asserted to be patentably distinct over the cited art. In addition, dependent claims 8, 9, 11, 12, 15, 18, 19, 27, and 37 are also patentably distinct over the prior art for at least the same reasons as their respective base claim. Accordingly, removal of this rejection is respectfully requested.

In addition to the reasons noted above, at least some of rejected claims 8, 9, 11, 12, 15, 18, 19, 27, and 37 are believed to be separately patentable from the cited art for at least the reasons set forth below. It is noted that in order to avoid confusion with respect to the rejections in the Office Action, the arguments set forth below for each claim are presented with respect to the art that was cited in the Office Action as rendering the claim obvious. It is asserted, however, that none of the cited art teaches or suggests the claim limitations noted below and, therefore, such claims are asserted to be patentably distinct over the cited art.

Claim 12 specifies the means for interpreting different scripting languages is configured to allow a developer to select a scripting language from a plurality of scripting languages with which to develop the program instructions. The Examiner cites column 5, lines 32-38, of Peskin teaching "...web browsers/operating systems[s] are configured to allow a developer to select a scripting language." Although the passage teaches that scripting languages may be interpreted within a web browser by user input such as keyboard and mouse movement and clicks, there is no teaching or suggestion that program instructions for parsing and extracting information from a web page may be developed with a scripting language specifically selected by the developer creating the program instructions. As such, Peskin does not teach the limitations of claim 12.

Claim 18 specifies the coding directives are utilizable by the developer for writing processor-executable program instructions with which to standardize spaces within the web page content. The Examiner cites column 8, lines 54-55, of Lewak as using a Boolean search to search for spaces. As noted on page 17, lines 21-2,3 of the specification, the term "standardizing" in the presently claimed case refers to modifying the arrangement of web content into a comprehensible and standard format (underline added for emphasis). Lewak's teaching of searching for spaces within a web page does not lend to modifying the arrangement of web content and, therefore, does not teach the limitations of claim 18.

Claim 27 specifies the program instructions are further for mimicking a browser authorized to access the website and the program instructions for executing the scripting language include program instructions for executing the scripting language at a browser level of the website. As noted on page 17 of the Office Action, Kelley fails to disclose program instructions for mimicking a browser authorized to access a website. As such, in addition to failing to teach or suggest that code on a website is executed to retrieve information of interest, Kelley fails to teach or suggest such an execution is performed at a browser level of a website. Similarly, Doyle does not teach or suggest executing code on a website to retrieve information of interest, much less at a browser level of a website. As such, neither Kelley nor Doyle teaches or suggests the limitations of claim 27.

Furthermore, claim 37 specifies standardizing the contents on the one or more websites into a standard format. The Examiner cites Jakubowski teaching the generation of templates 104 and equates such a process to standardizing web contents. As noted in paragraph [0023] of Jakubowski, “[t]emplates 104 generally identify the content from a source page ... that is to be displayed or manipulated, as well as how the content is to be displayed or manipulated.” However, there is no teaching or suggestion with regard to the generation of templates 104 of modifying the arrangement of the web content and, therefore, Jakubowski does not teach the limitations of claim 37.

Patentability of Added Claims

The present amendment adds claims 43 and 44. Support for the limitations of added claims 43 and 44 may be found, for example, on page 11, lines 23-30 of the specification. Since claims 43 and 44 are dependent upon claim 1, claims 43 and 44 are patentably distinct over the cited art for at least the same reasons as claim 1. Accordingly, consideration and approval of added claims 43 and 44 is respectfully requested.

CONCLUSION

This response constitutes a complete response to all of the issues raised in the Office Action mailed December 29, 2006. In view of the remarks herein, Applicants assert that pending claims 1-27, 29-37, and 39-42 are in condition for allowance. If the Examiner has any questions, comments, or suggestions, the undersigned earnestly requests a telephone conference.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to deposit account no. 50-3268.

Respectfully submitted,
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